IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

OP.No. 19082 of 2000(V)

PETITIONERS:
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1. **M.S. MAIMOONATH, AGED 41 YEARS,**
   W/O. HAMEED.P.V., FIRDOUS HOUSE,
   P.O. PULLOOKARA, KANNUR DISTRICT.

2. **M.S. ABDUL LATHEEF, AGED 38 YEARS,**
   S/O. LATE M. SOOPI, -DO- -DO- -DO-

3. **M.S. HAJIRA BEEVI, AGED 35 YEARS, W/O. KUNHABDULLA, -DO-**

4. **MUMTAZ, AGED 33 YEARS, W/O. MOHAMEDALI, -DO- -DO-.**

5. **VAHIDA, AGED 31 YEARS, W/O. ABDUL SALAM, -DO- -DO-.**

6. **M.S. AMEERUDHEEN, AGED 30 YEARS, S/O. LATE M.SOOPI, -DO-.**

7. **M.S. AYISHA, AGED 28 YEARS, D/O. LATE M.SOOPI, -DO-.**

8. **M.S. ABDUL KABEER, AGED 26 YEARS, S/O. LATE M. SOOPI, -DO-.**

9. **M.S. HABEEB RAHMAN, AGED 25 YEARS, S/O. LATE M. SOOPI, -DO-.**

10. **M. SAJITHA, AGED 22 YEARS, D/O. LATE M. SOOPI, -DO-.**

(THE PETITIONERS REPRESENTED BY THEIR POWER OF ATTORNEY HOLDER - 1ST PETITIONER M.S. MAIMOONATH, W/O. P.V. HAMEED, FIRDOUS, P.O. PULLOOKKARA, KANNUR DISTRICT, PIN CODE NO. 670 678).

BY ADV. SRI.T.P.M.IBRAHIM KHAN,
SRI.V.S.AFSAL KHAN,
SRI.A.M.BENAZIR.

O.P. NO. 19082/2000-V:

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, FOREST SPECIAL DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE DIVISIONAL FOREST OFFICER, NORTH WAYANAD DIVISION, P.O. MANANTHAVADY.**

3. **THE CONSERVATOR OF FOREST, OLAVAKKOD, PALAKKAD.**

4. **THE CONSERVATOR OF FOREST & CUSTODIAN, KERALA FOREST DEPARTMENT, KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. MUHAMMED PUZHAKKARA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 31782/2000 IN O.P. NO. 19082/2000-V

DISMISSED

23/11/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 21/03/1979 OF THE FOREST TRIBUNAL, KOZHIKODE IN O.A. NO. 365/1976.

EXT.P.2: COPY OF THE JUDGEMENT DTD. 03/03/1983 OF HONOURABLE COURT IN M.F.A. NO. 339/1979.

EXT.P.3: COPY OF THE ORDER DTD. 14/09/1993 OF THIS HONOURABLE COURT IN R.P. NO. 77/1985 IN M.F.A. NO. 339/79.

EXT.P.4: COPY OF THE DEATH CERTIFICATE REGISTRATION NO. 301/91 DTD. 5/8/1991 ISSUED BY THE REGISTRAR OF BIRTHS & DEATHS, THALASSERY MUNICIPALITY.

EXT.P.5: COPY OF THE LETTER NO. L.1013/92 DTD. 29/10/1999 ISSUED BY THE R.2.

EXT.P.6: COPY OF THE PETITION NO. NIL DTD. 09/06/2000 FILED BY THE PETITIONERS BEFORE THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NO. 19082 OF 2000

Dated this the 23rd day of November, 2007.

J U D G M E N T

This original petition is filed mainly with the following prayer:

> i) To issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to take appropriate action on Ext. P6 petition directing the respondents 2 to 4 to restore possession of the petitioners' 15 acres of land comprised in Survey No. 64/2, 64/2A of Periya village in Wayanad District which are the subject matter of Ext. P1 to P3 and to pass orders on Ext. P6 forthwith.

In case no orders have been passed on Exhibit P6, there will be a direction to the first respondent to pass appropriate orders on Exhibit P6 in accordance with law, with notice to the petitioners within a period of four months from the date of production of a copy of this judgment.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 19082 OF 2000

J U D G M E N T

23.11.2007